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18 September 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

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Dear Ms. Salas:

Pursuant to Federal Communications Commission's August 16, 2000 Public Notice DA 00-1875, Powertel, Inc., on behalf of itself and its operating subsidiaries (collectively "Powertel"), hereby submits its comments concerning and regarding Phase I E911 Implementation Issues, CC Docket No. 94-102

Pursuant to Section 1.1206(b) of the Commission's Rules, one original and four copies of this letter are being filed with your office. Should you have any questions regarding this filing, please contact James H. Benson at (706) 634-1086.

Sincerely,


JAMES H. BENSON
Director of Legal Affairs

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of:

Rules To Ensure Compatibility with
Enhanced 911 Emergency Calling Systems

CC Docket No. 94-102

To: The Federal Communications Commission

**Submission of Powertel's Comments Concerning and Regarding Phase I E911
Implementation Issues**

Powertel, Inc., on behalf of itself and its operating subsidiaries (collectively "Powertel"), hereby submits to the Federal Communications Commission ("Commission"), pursuant to the Commission's August 16, 2000 Public Notice DA 00-1875, its comments concerning and regarding Phase I E911 Implementation Issues.

BACKGROUND

The Wireless Telecommunications Bureau seeks comment on a request filed by the King County, Washington E-911 Program Office for assistance in resolving a conflict related to the implementation of wireless Phase I Enhanced 911 ("E911") service in the State of Washington.¹ The King County Request states that King County and several other counties in Washington State have ordered Phase I service from wireless carriers operating in the State and that the Public Safety Answering Points ("PSAPs") in these counties are capable of receiving and utilizing Phase I information over their existing E911 networks. According to the request, some carriers have agreed to implement Phase

I service only if King County and the several other requesting counties pay for some or all of certain network and data base components associated with the delivery of the Phase I service. King County requests that the Bureau clarify whether the funding of certain of the network and data base components of Phase I service, and the interface of these components to the existing E911 system, are the responsibility of the wireless carriers or the PSAPs.

On December 8, 1999, the Commission released the Second Memorandum Opinion and Order in CC Docket No. 94-102.² In that Order, the Commission eliminated the requirement that a cost recovery mechanism be in place for a carrier before the carrier is obligated to provide E911 service. The Commission also concluded that a carrier's obligation to provide E911 service pursuant to a PSAP request is contingent upon the carrier receiving a valid request from a PSAP that is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the PSAP's costs of the E911 service is in place.

DEMARCATIION POINT IN THE E911 NETWORK

Powertel's experience with PSAPs within Powertel's service areas is unlike that described by the King County, Washington PSAP. To date, Powertel has implemented E911, Phase 1 with PSAPs in Alabama, Georgia and Tennessee. In each case, the PSAP or state 911 board³, has, without question, accepted that all network changes and upgrades between the PSAP's call center and Powertel's switching facilities

¹ Letter from Marlys Davis, E-911 Program Manager, King County E-911 Program Office, Department of Information and Administrative Services, to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC, dated May 25, 2000 ("King County Request").

² In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Second Memorandum Opinion and Order, FCC 99-352, 14 FCC Rcd 20,850 (1999).

are the responsibility of the PSAP. This is evidenced by each PSAP or state wireless 911 board paying for the upgrades and connections between the PSAP's call center and carrier's switching facilities. Simply put, these PSAPs accept that providing automatic number identification/automatic location identification ("ANI/ALI") information at its switch is Powertel's sole responsibility.

AFFECTS OF TECHNOLOGY EMPLOYED ON DEMARCATION POINT

Regardless of technology employed, the responsibilities of the three distinct entities (PSAP, LEC and wireless carrier) do not change. The carrier is responsible for providing the ANI/ALI information at its switch. The LEC is responsible for receiving the ANI/ALI information through its tandem switch and directing the ANI/ALI to the PSAP. The PSAP is responsible for integrating the ANI/ALI information into its system. Since the trunks carrying the ANI/ALI information are dedicated to 911 traffic, the LEC merely acts as the network manager for the PSAP. Therefore, the PSAP's responsibility begins with the transport of ANI/ALI information from the wireless carrier's switch and ends with integration of the information into PSAPs system.

RATIONALE OR PRECEDENT FOR DIVISION OF COST IN WIRELESS E911

In most states, the local exchange carriers ("LECs") file tariffs for the implementation of wireline 911 services or network upgrades for those services. As with all tariffed services, state commissions allow the LECs to include a profit element in the tariff rate. Moreover, state commissions only grant PSAPs the right to purchase wireline E911 services from a LEC. Therefore, the PSAPs contract directly with and remit payments directly to the LEC for the E911 services provided and the necessary upgrade

³ Alabama and Tennessee have centralized wireless 911 board who review and approve the E911, Phase I cost recovery plan of each wireless carrier that operates in the state.

to the 911 network. If the 911 network is not the responsibility of the PSAPs, why does PSAPs fund the operations, maintenance and upgrade of the 911 network within its jurisdictional area of responsibility?

In the wireless 911 scenario, there are very subtle differences, but the similarities are glaring. Again, many LEC tariffs the services and necessary network upgrades that are required for wireless E911. Although state commissions allow wireless carriers to purchase the E911 services and upgrades from the LEC, a wireless carrier may not do so until it receives a bona fide request for wireless E911, Phase I implementation from a PSAP. In the wireless 911 scenario, the PSAP contract for and remit payment for E911 services and network upgrade. The only difference between the wireline and wireless scenarios is that, in the wireless scenario, the wireless carrier acts as an intermediary between the PSAP and the LEC. In both scenarios, the LEC retains its profit element from the tariff rate of the provisioning of E911 services and upgrades and manages the 911 network for the PSAPs, while in the wireless scenario, the wireless carrier bares no responsibility, except to pass through only its actual cost (out-of-pocket expenses) to the PSAP for the LEC's services.

Respectfully submitted,

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